OPINION, DECISION & ORDER

Hon. John Manning Regan
Rochester City Court Judge

FACTS

On Saturday, June 24, 1989, these nine defendants, all of whom are women, were picnicking at Durand-Eastman Beach, and its adjacent park areas. Durand-Eastman is a public park and beach located in the City of Rochester, on the south shore of Lake Ontario. It is a large park, containing a golf course, many grassy playing fields, and acres of quiet woodlands. The beach itself is quite wide and open, and extends for more than a mile in length. On hot summer days, Durand-Eastman is a highly popular place for swimming, and all kinds of outdoor activities. It is a particular favorite for families.

June 24, 1989 was a hot summer day. During the early afternoon, as the temperature rose into the high 80's, the defendants removed all their clothing from above their waists, and remained in the public park areas so exposed. Some were swimming and sunbathing, some were playing volleyball, and some were eating lunch.

A Sheriff's patrol boat, stationed on the lake near the beach area, was the first to receive a radio broadcast over a marine frequency that naked people were occupying the beach area. Deputy Zink responded to this broadcast in two ways: first, by mooring his boat and going to the beach, and second, by transmitting